IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 16983 of 2005

DATED: 17.9.2007

Between:

Paravada Nagabhushanam petitioner

And

The General manager,
Bharath Sanchar Nigam Limited,
Telecom District, Eluru
West Godavari district and another respondents

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THE HON'BLE SRI JUSTICE N.V. RAMANA

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W.P. No. 16983 of 2005

Oral order:

The present writ petition is filed seeking a direction to the respondents to regularize the services of the petitioner in terms of his representation dated 12.7.2004 and keeping in view his long service on daily wage basis.

The relief of absorption/regularization claimed by the petitioner in the present writ petition, having regard to the judgment of the apex Court in **Steel Authority of India Limited vs. National Water Front Workers**[1], cannot be granted. In the said judgment, the apex Court held that the determination of the questions as to whether the contract of employment of labour is a genuine one or a mere ruse/camouflage to evade the provisions of beneficial labour legislation, require inquiry into disputed questions of facts, which cannot conveniently be made by the High Courts in exercise of their jurisdiction under Article 226 of the Constitution, and the appropriate authority to go into those issues was the Industrial Tribunal/Court whose determination will be amenable to judicial review.

Since the petitioner seeks a direction for regularization of his service on the basis of the service rendered by him on daily wage basis, having regard to the judgment of the apex Court in **Steel Authority of India Limited vs. National Water Front Workers**, the writ petition is not maintainable, and the remedy of the petitioner is to approach the authorities under the Industrial Disputes Act, 1947.

With the observation, as above, the writ petition is disposed of No costs.

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N.V. RAMANA, J.

Dated: 17.9.2007

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[1] 2001 (6) ALD 1